

Entered - 11-17-09 sb
CL 09L0868- GWENDOLYN BURNS

10- R -0361

CLAIM OF: KATHLEEN VAN FLEET
1075 Peachtree Walk, A-307
Macon, Georgia 31295

For vehicular damages alleged to have been sustained from driving over a construction site that was left open and in an unsafe manner on October 23, 2009 at 1425 Piedmont Avenue, NE & Westminster Drive, NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: Kathleen Van Fleet

Gene Shepherd

James

H. J. J. J.

MAR 01 2010

MAR 01 2010

MAR 01 2010

ADVERSED BY
CITY COUNCIL



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6030
FAX (404) 658-6273

March 9, 2010

Ms. Kathleen Van Fleet
1075 Peachtree Walk A-307
Macon Georgia 31295

10-R-0361

Dear Ma. Van Fleet

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0868

Date: January 27, 2010

Claimant /Victim KATHLEEN VAN FLEET

BY: (Atty) (Ins. Co.) _____

Address: 1075 Peachtree Walk, A-307, Atlanta, Georgia 30309

Subrogation: _____ Claim for Property damage \$ 206.92 Bodily Injury \$ _____

Date of Notice: 11/6/09 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/23/09 Place: 1425 Piedmont Avenue, NE & Westminster Drive, NE

Department _____ Bureau: _____ Office: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages after driving over a construction site that was left in an unsafe manner in the roadway. However, an investigation has determined that Atlanta Gas Light performed the work at the subject location. The claimant has been advised and the claim has been forwarded to the company for resolution.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____


Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: General Fund _____ Water & Sewer _____ Aviation _____

Claims Manager:  Concur/date 02/08/10

Committee Action: _____ Council Action _____

RECEIVED
OFFICE OF
MUNICIPAL CLERK

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30303

RE: CL 2009 NOV 6 PM 5:13

Today's Date: 10/29/09

BURNS
11/13/09
P

Dear Municipal Clerk:

ENTERED - 11-17-09 - SB
09L0868 - G. BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 206.92 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 10/23/09 2. Time of incident: 6:30 pm 3. Police called: No
4. Location of incident (including street address): Piedmont & Westminster Dr. (about 1425 Piedmont Ave)
5. Name of your insurance company: Geico Policy No. 4169-55-51-68
6. State what and how incident occurred: While driving north on Piedmont Ave on Friday Oct 23, 2009 I drove over a large pothole in the right lane. My front left tire hit the pothole. While driving on Saturday, my car started to rumble and it felt like the front left tire may have been flat. Oct 26, car was taken to the shop to fix.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.
Your vehicle: 2003 Toyota Corolla ACR9719 Kathleen Van Fleet
(Make) (Year) (Tag Number) (Driver's Name)
City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Herman Van Fleet
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Kathleen Van Fleet
Signature of Claimant

Kathleen Van Fleet
(Print Claimant's Name)

1075 Peachtree Walk A-307
(Address)

Atlanta, GA 30309
(City, State and Zip Code)

770-226-2177 484-467-9481 (cell)
(Work Number) (Home Number)

10- R -0361

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0275	36. 10-R-0350	42. 10-R-0356
2. 10-O-0276	37. 10-R-0351	43. 10-R-0357
3. 10-O-0277	38. 10-R-0352	44. 10-R-0358
4. 10-O-0278	39. 10-R-0353	45. 10-R-0359
5. 10-O-0279	40. 10-R-0354	46. 10-R-0360
6. 10-O-0289	41. 10-R-0355	47. 10-R-0361
7. 10-O-0290		48. 10-R-0362
8. 10-O-0291		49. 10-R-0363
9. 10-O-0292		50. 10-R-0364
10. 10-O-0293		51. 10-R-0365
11. 10-O-0294		52. 10-R-0366
12. 10-O-0296		53. 10-R-0367
13. 10-O-0241		54. 10-R-0368
14. 10-O-0307		55. 10-R-0369
15. 10-R-0334		56. 10-R-0370
16. 10-R-0335		57. 10-R-0371
17. 10-R-0390		58. 10-R-0372
19. 10-R-0395		59. 10-R-0373
20. 10-R-0407		60. 10-R-0374
21. 10-R-0411		61. 10-R-0375
22. 10-R-0394		62. 10-R-0376
23. 10-R-0396		63. 10-R-0377
24. 10-R-0338		64. 10-R-0378
25. 10-R-0339		65. 10-R-0379
26. 10-R-0340		66. 10-R-0380
27. 10-R-0341		67. 10-R-0381
28. 10-R-0342		68. 10-R-0382
29. 10-R-0343		69. 10-R-0383
30. 10-R-0344		70. 10-R-0384
31. 10-R-0345		71. 10-R-0385
32. 10-R-0346		
33. 10-R-0347		
34. 10-R-0348		
35. 10-R-0349		